IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

WP(C).No. 32784 of 2007(C)

OS.165/1987 of I ADDL.SUB COURT, THRISSUR
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PETITIONERS:
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1. PADMAVATHY ALIAS PADMA S.MENON
   W/O.PANTHALATH SREEDHARA MENON
   PUTHOORKKARA, AYYANTHOLE P.O.,
   THRISSUR-3.

2. SANTHOSH KUMAR
   S/O.PANTHALATH SREEDHARA MENON
   POTHOORKKARA, AYYANTHOLE,THRISSUR-3.

BY ADV. SRI.N.P.SAMUEL

RESPONDENTS:
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1. INDIRA MOHANDAS
   W/O.KUNNATH MOHANDAS,'LAKSHMY"
   RAMANCHIRA MADOM LANE
   VELIYANNUR DESOM, VELIYANNUR
   THRISSUR DIST. PIN 680 021.

2. SREEKALA,
   D/O.KUNNATH MOHANDAS,'LAKSHMY"
   RAMANCHIRA MADOM LANE VELIYANNUR DESOM,
   VELIYANNUR THRISSUR DIST. PIN 680 021.

3. SREEPRIYA
   D/O.KUNNATH MOHANDAS,'LAKSHMY"
   RAMANCHIRA MADOM LANE VELIYANNUR
   THRISSUR DIST. PIN 680 021.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

W.P.(C). NO. 32784 OF 2007

Dated this the 6th day of November, 2007

J U D G M E N T

This writ petition is filed to issue a direction to the Subordinate Judges Court, Thrissur, for engrossing the final decree of O.S. 165/87 in the non-judicial stamp paper worth Rs.4,08,000/- purchased by the petitioners. The original final decree passed by the court was taken up in appeal and as some modification was required, it was disposed of by a Division Bench of this Court accordingly. Thereafter, the present writ petitioners, who are sharers but who have not paid the court fee, moved the court for passing a supplemental final decree. Now a supplemental final decree has been passed. The grievance of the petitioners is to have a consolidated decree engrossed in the stamp paper purchased by them. I am afraid that it cannot be done. What is passed by the court is a supplemental final decree and that already a final decree passed by the court has been modified and affirmed by this Court and it has been engrossed in a stamp paper. So it has to remain in tact. Whatever additional particulars the courts have passed by a

supplemental final decree has to be engrossed so that the said party also will have the right to property by virtue of a valid document.

Therefore, I direct the court below to engross the supplemental final decree and at the same time to look into the position whether engrossment of the supplemental final decree in the stamp paper worth Rs.4,08,000/- is necessary for the reason that the property is already valued at one stage and final decree has been engrossed in a stamp paper. If there is any alteration or difference in the additional value of the stamp paper then it need be done. Therefore, if excess is purchased, orders may be passed permitting th parties to get refund of the same. As the party wants to get his rights established the court below is to engross the supplemental final decree as expeditiously as possible. It is further stated that whenever a copy is applied for, the first final decree and the supplemental decree has to be given as composite document.

The writ petition is disposed of accordingly.

M.N.KRISHNAN, JUDGE

vps